

Department of Planning and Budget
2012 Fiscal Impact Statement

1. Bill Number: HB522

House of Origin Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. Patron: Farrell

3. Committee: Passed Both Houses

4. Title: Statewide system of trails; wheelchairs or other power-driven mobility devices.

5. Summary: This bill permits the Department of Conservation and Recreation (DCR) to allow, in accordance with other applicable state and federal laws, the use of wheelchairs or other power-driven mobility devices on the statewide system of trails to comply with recent changes to the federal Americans with Disabilities Act of 1990 (ADA).

6. Budget Amendment Necessary: No, see item 8, below.

7. No Fiscal Impact.

8. Fiscal Implications: According to DCR, sufficient funds exist within DCR's current budget to provide for any costs resulting from this bill.

Amendments made to the ADA in September 2010, require: (1) that public entities permit disabled individuals to use wheelchairs in any areas open to pedestrian use; and (2) that public entities make reasonable modifications to policies, practices or procedures to permit the use of other power-driven mobility devices by individuals with mobility disabilities, unless the public entity can demonstrate that the class of other power-driven mobility devices cannot be operated in accordance with legitimate safety requirements that the public entity has adopted. These changes to the ADA are in conflict with the current provisions of § 10.1-204, Code of Virginia, in regard to the use of wheelchairs or power-driven mobility devices on the statewide system of trails. Currently, § 10.1-204 prohibits the use of motorized vehicles by the public along any of the scenic, recreation, connecting, or side trails on state park property, no allowance is given for the use of wheelchairs or power driven mobility devices by disabled individuals. This conflict extends into the state park regulations (4VAC5- 30 et seq.) which are in compliance with § 10.1-204.

As such, this bill seeks to change state law to align with recent ADA revisions by authorizing DCR to permit the operation of electric power-assisted bicycles and electric personal assistive mobility devices on any bicycle path or trail on state property designated for such use. The bill specifies that DCR is not prohibited from (i) allowing the use of power-driven mobility devices by disabled individuals on the state park trails; or (ii) requiring a user of a

power-driven mobility device to provide a credible assurance that the mobility device is required because of the person's disability. Any costs associated with the enforcement of these provisions may be absorbed within the agency's current funding.

There also may be a cost to DCR associated with placing signage at trail heads regarding the use of motorized personal mobility devices. DCR runs its own signage operation for its state parks and anticipates that any costs resulting from the need for new signage as a result of this bill may be absorbed within its current operating budget. DCR may also comply with the requirements of this bill by indicating the accessibility level and mechanical equipment permissible on each trail through its existing electronic park kiosk stations, located in every state park.

9. Specific Agency or Political Subdivisions Affected: Department of Conservation and Recreation.

10. Technical Amendment Necessary: No.

11. Other Comments: Upon approval of this proposal, DCR will need to revise its regulations to comply with revised federal and state law.

Date: 3/15/2012